

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**FILED**  
SEP 29 2009  
CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_ Deputy

DAVID BOLTON

Plaintiff,

vs.

LOUISVILLE LADDER, INC. f/k/a  
LOUISVILLE LADDER GROUP, LLC,

Defendant.

CIVIL NO. 2:08-CV-209-J

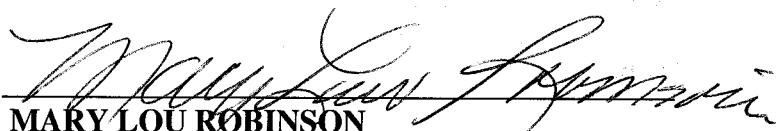
**ORDER DENYING MOTION TO STRIKE EXPERT**

Before the Court is Defendant's motion, filed July 9, 2009, to strike Plaintiff's expert witness Stan Kiska, the response in opposition filed by the Plaintiff, and Defendant's reply.

Defendants' motion is denied insofar as it seeks at this time to strike Kiska as an expert witness and limit or exclude all testimony from him. However, denial of this motion is not to be construed as a ruling that any proposed or anticipated trial testimony of any designated expert is, or is not, admissible. The Court will rule upon the admissibility of all testimony in its context during trial, should the witness be called to testify. The Court will consider objections to the admissibility of trial testimony if and when the expert is called, testimony is offered, and a timely objection is made by the Defendant.

It is SO ORDERED.

Signed this the 29 day of September, 2009.

  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE